REMARKS

Applicant has carefully reviewed the Application in light of the Office Action mailed February 23, 2010. At the time of the Office Action, Claims 1-20 were pending in the Application and they stand rejected. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

Section 103 Rejection

Claims 1-9 are rejected as being unpatentable over U.S. Patent No. 7,277,957 issued to Rowley et al. (hereinafter "*Rowley*") and further in view of U.S. Patent No. 7,072,967 issued to Saulpaugh et al. (hereinafter "*Saulpaugh*"). Claims 10-11 are rejected as being unpatentable over *Rowley, Saulpaugh*, and further in view of U.S. Patent No. 7,290,048 issued to Barnett et al. (hereinafter "*Barnett*"). Claims 12-20 are rejected as being unpatentable over *Rowley* in view of *Saulpaugh* and *Barnett*.

Independent Claim 1, as previously amended, recites "*...the packets representing a document that includes the objects, wherein the document is captured based on a capture rule that specifies the objects, and wherein a determination is made as to whether to discard or to store the objects of the document.*"

On pages 3-4 of the current Office Action, the Examiner explains:

> contents), wherein objects are captured based on a capture rule that specifies the objects, and wherein a determination is made as to whether to discard or to store the objects (column 3, lines 62-67: packet not needed for the subsequent reconstruction of the network communication session); an object classification module to determine

However, at those passages, only the following is provided:

packet is decoded. If the first packet **P1** is not needed for the subsequent reconstruction of the network communication session **102**, the packet is not included in the protocol sorted list **300**. For example, DNS (Domain Name Service) lookup request packets, error packets, or corrupted packets may not be included.

In contrast, Independent Claim 1 recites *the document is captured based on a capture rule that specifies the objects, and wherein a determination is made as to whether to discard or to store the objects of the document.* The Examiner should appreciate that there are two clauses in this recitation. According to Independent Claim 1, the document is captured based on a capture rule. More specifically, that capture rule specifies the objects within the document. The second clause addresses whether to store those objects, or to discard them. The Examiner has yet to cite any type of 'capture rule.' Additionally, the passage being cited by the Examiner (shown above) addresses some form of ***packet reconstruction***. <u>Rhetorically</u>: Where is there any disclosure about storing, or discarding <u>objects of a captured document</u>?

As a separate issue related to patentability, Independent Claim 1 also recites "*...an object classification module to determine a type of content of the objects and to reconstruct the objects from the flows...an object store module to store the objects, wherein a location for storing the objects is determined based at least in part on the type of content for each of the objects.*" For the content type determination, the Examiner continues to cite passages related to ***packet characterization***. However, the Examiner is yet to identify any disclosure related to determining a <u>content type for objects</u>. Moreover, there is no disclosure in the references for intelligently ***determining a location for the objects based (at least, in part) on the content type***, as is recited by Independent Claim 1.

For at least these reasons, Independent Claim 1 is allowable over the cited references. In addition, the other Independent Claims recite similar (but not identical) limitations and, therefore, are allowable over the cited reference using analogous reasoning. Additionally, the

corresponding dependent claims from these Independent Claims are also patentably distinct for related reasons. Thus, all of the pending claims have been shown to be allowable as they are patentable over the references of record. Notice to this effect is respectfully requested in the form of a full allowance of these claims.

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CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

An Information Disclosure Statement is being filed concurrently herewith. The Information Disclosure Statement fee in the amount of $180 is being paid concurrently herewith via the Electronic Filing System (EFS) by way of Deposit Account No. 50-4889 authorization. No additional fees are believed due. However, please apply any other charges or credit any overpayment to Deposit Account No. 50-4889 of PATENT CAPITAL GROUP, referencing the attorney docket number referenced above.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact Thomas J. Frame at 214-823-1241.

Respectfully submitted,

Patent Capital Group
Attorneys for Applicant

/Thomas J. Frame/
Thomas J. Frame
Reg. No. 47,232

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Customer No. 78855